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Written Testimony Opposing House Bill 5531, An Act Concerning the Care and Treatment of Persons With a Mental Illness or Substance Use Disorder

Senator Coleman, Representative Tong, and members of the Judiciary Committee. My name is David McGuire, and I am the Legislative and Policy Director for the American Civil Liberties Union of Connecticut (ACLU-CT). I urge you to vote against House Bill 5531, An Act Concerning the Care and Treatment of Persons With a Mental Illness or Substance Use Disorder. The ACLU-CT opposes this proposal, because it would severely curtail the privacy rights and liberty interests of people with serious mental health conditions.

Our Constitution protects the liberty and privacy rights of all people, including those with people with serious mental health conditions. In addition, people have a civil liberty right to make their own healthcare decisions. House Bill 5531, however, infringes on patients' liberty and privacy rights by dramatically expanding who can medicate a patient without his or her consent. Under our state's current law, people with serious mental health conditions may not be forcibly medicated unless they are inpatients at psychiatric hospitals. In addition, the law ensures that the decision to forcibly medicate someone is made by the "head of the hospital," with consultation from other medical experts. Limiting the process by which an individual may be forcibly medicated, including restricting that process to a controlled clinical setting, provides protections for people with psychiatric disabilities.

This bill, however, expands the definition of "facility" to broadly include "any inpatient or outpatient hospital, clinic, skilled nursing facility or other facility for the diagnosis, observation or treatment of persons with psychiatric disabilities." As a result, this proposal would take Connecticut down a slippery slope of creating more pockets of impunity with regard to patients' privacy, liberty, and bodily autonomy. It would bring our state backward if we expanded the number of places where a person with serious mental health condition could be forcibly medicated without even consulting his or her physician.

Health experts have found that involuntary treatment can prevent mental health recovery, not promote it, and evidence from other states has shown that involuntary mental health treatment is disproportionately used against minorities. In New York, for instance, Black patients were five times more likely to receive forcible mental health treatment orders than their white peers.

The Connecticut General Assembly has rejected similar proposals at least three times since 1996, and it should do so again this year. Connecticut has more pressing needs surrounding

mental healthcare, and Connecticut residents deserve greater protections for their privacy and liberty rights.

The ACLU-CT urges you to vote against House Bill 5531.